

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Arthur R. Carter,) C/A No.: 1:12-1257-TMC-SVH
)
Petitioner,)
)
vs.)
)
Warden, FCI Edgefield,) ORDER
)
)
Respondent.)
)

This is an action seeking habeas corpus relief under 28 U.S.C. § 2241. Petitioner is a prisoner. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. By order issued on May 25, 2012, Petitioner was given a specific time frame in which to bring this case into proper form. Petitioner has complied with the court's order, and this case is now in proper form.

PAYMENT OF THE FILING FEE:

Petitioner has paid the full filing fee (Receipt No. SCX300045384). [Entry # 10]. Petitioner also requested to proceed without prepaying the filing fee by filing an Application to Proceed without Prepayment of Fees and Affidavit (Form AO-240), which is construed as a motion to proceed *in forma pauperis*. [Entry # 7]. Because Petitioner has paid the full filing fee, the motion for leave to proceed *in forma pauperis* shall be terminated as **moot**.

TO THE CLERK OF COURT:

The Clerk of Court shall not serve the § 2241 Petition upon Respondent because the Petition is subject to dismissal.

IT IS SO ORDERED.

July 6, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge